REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-3 and 5-7 are pending before this amendment. By the present amendment, claims 1 and 5 are amended. No new matter has been added.

In the office action (page 2), claim 5 stands objected to for containing informalities. In response, claim 5 has been amended to depend from claim 3, and removal of the objection is respectfully requested.

In the office action (page 2), claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2003/0061364 (Banerjee) in view of U.S. Publication No. 2004/0072557 (Paila). The "et al." suffix is omitted in a reference name.

The applicant respectfully **disagrees**.

The presently claimed invention relates to a communication management system for allowing a mobile telecommunication carrier to track a mobile terminal's usage in a wireless PAN network even without the user having to pass through the mobile telecommunication carrier network. It is typically disadvantageous for a mobile telecommunication carrier to load a wireless communication function into a mobile terminal, because the mobile telecommunication carrier cannot track the usage of the mobile terminal. The presently claimed invention provides a communication management system that gives the mobile telecommunication carrier the ability to track the terminal's usage even without the user going through the mobile telecommunication network.

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The present invention provides a mobile terminal with an application (see FIG. 3A, the element 11) loaded therein. An application, for example, may be obtained from the web server 7, the license server 4, or the application may come pre-installed on the mobile terminal (specification page 8, lines 30-46) where the application contains certification information, and where a control unit can be loaded onto the mobile terminal at the time of usage (specification page 9, lines 5-12). In any event, at the time the user wants to communicate via wireless communication, the application and the control unit are **included in** the terminal. This is clearly set out in claim 1, which recites that the claimed mobile terminal device includes --an application-- and --a control unit--. This allows the mobile terminal to --communicat[e] with another terminal devices by wireless communication without passing through the mobile telecommunication carrier network--.

To ensure that the application of claim 1 is an "official PAN application," the presently claimed invention includes a certification process. The application includes a first certification information, and as claim 1 recites:

> --the control unit includes second certification information, and determines whether or not the application is proper based on the first certification information included in the application and the second certification information includes in the control unit--.

Thus, as stated in claim 1, the terminal includes both --the application-- and --the control unit--, both of which contain certification information. Because the mobile terminal device itself includes the application and the control unit (both with the certification information), the determination of whether or not the application is proper can be made without the terminal device ever having to pass through the mobile communication carrier network. In order to further clarify this feature of the presently claimed invention,

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claim 1 has been amended to state:

> --such that the determination is made without passing through the mobile telecommunication carrier network--.

Neither Banerjee nor Paila teach anything remotely near this feature of the presently claimed invention. In the office action (page 4), it was alleged that:

> "Paila teaches that the service offering (application) comprises a digital signature (first certification information) and the mobile node (control unit) comprises a predefined key (second certification)." (Office action, page 4.)

However, this is a mischaracterization of the present invention and Paila. In Paila [0022], an "AAAL," shown in FIGS. 2-4, prepares a service offering to be delivered for a mobile node or a group of mobile nodes. A message [redacted] comprises this service offering (Paila [0023]. The service offering contains at least items 1-4 (Paila [0024]-[0027]) and can optionally contain items 5-6 (Paila [0028]-[0029]). Item 6 (Paila [0029]) contains the optional **digital signature** signed by the sending AAAL. The mobile node of Paila can use the signature to verify the service offering before selecting the service offering (Paila [0036]).

As is clear from the above description, the digital signature of Paila is included in a message [redacted] included in a service offering **from the AAAL**. The digital signal is **not** included **in** the mobile node according to Paila. In contradistinction, as is set out in claim 1 of the present invention, the application which includes the first certification information is **included** in the mobile device of the presently claimed invention.

Further, in Paila, because the digital signal is sent in a message from the AAAL, Paila must be connected to a mobile telecommunication network carrier in order to receive this digital signal. In contradistinction, as previously stated, because both the application and the control unit of the presently claimed invention are included in the

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mobile terminal device, the mobile terminal device of the presently claimed invention does not have to be connected to any mobile telecommunication network in order to determine wither or not the application is proper.

Banerjee makes no mention of the claimed application including a first certification information and a control unit including a second certification information.

Accordingly, neither Banjeree nor Paila teaches this important feature of the presently claimed invention of claim 1. An indication of allowable subject matter with respect to claim 1 is respectfully requested.

As to claim 2, the applicant respectfully submits that claim 2 is allowable at least since it depends from claim 1, which is now considered to be in condition for allowance for the reasons above.

Further, the applicants respectfully submit that Banerjee [0046]-[0050] and [0056] do not teach any of the limitations in claim 2. In the presently claimed invention, the **control unit of the mobile terminal** includes all the limitations set forth in claim 2. In Banajeree [0055], the BNAP service initiates an accounting/billing cycle and begins charging the user for the BNAP service. Then, Banajeree [0056] states that the **BNAP service** tracks the charges incurred by the user in accordance with any pertinent metric. As seen in Banajeree FIG. 4, the BNAP server 426 or 428 is **not** included in the mobile terminal, which could be 402, 410, or 414.

In contradistinction, claim 2 includes a **mobile terminal device** that includes a control unit which includes the communication amount detecting unit and the status information transmission unit. In other words, in claim 2, the mobile terminal itself can keep track of the services. As a further example, in the presently claimed invention, the

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status information is updated and stored into the status information storage unit 36 shown in FIG. 3B (specification page 10, lines 28-48). The present invention teaches, inter alia, that only when a mobile terminal can finally communicate with a mobile telecommunication carrier network, the status information can then be transmitted to the license server (specification page 10, line 49 to page 11, line 2). As such, in the present invention, the mobile terminal device itself includes the status information unit and the communication detecting unit, while this is not the case in Banajeree.

As to claim 3, claim 3 was also amended to further recite:

> --such that the determination is made without passing through the mobile telecommunication carrier network--.

Therefore, the applicant respectfully resubmits the arguments made for claim 1.

As to claims 5-6, the applicant respectfully submits that these claims are allowable at least since they depend from claim 3, which is now considered to be in condition for allowance for the reasons above.

Additionally, the applicant respectfully reasserts the arguments above with respect to claim 2, as Banajeree does not teach the limitations of claim 5-6.

As to claim 7, claim 7 was also amended to further recite:

> --such that the determination is made without passing through the mobile telecommunication carrier network--.

Therefore, the applicant respectfully resubmits the arguments made for claim 1.

For the reasons set forth above, the applicant respectfully submits that claims 1-3 and 5-7 pending in this application are in condition for allowance over the cited references. Accordingly, the applicant respectfully requests reconsideration and

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withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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